

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

WILLIAM JOSEPH WEBB, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C. A. No. 07-31-GMS
	)	
FIRST CORRECTIONAL MEDICAL,	)	JURY TRIAL REQUESTED
et al.,	)	
	)	
Defendants.	)	

**STATE DEFENDANTS' RESPONSE TO PLAINTIFF'S  
MOTION TO COMPEL AND MOTION TO STAY PROCEEDINGS**

State Defendants Stan Taylor and Gov. Ruth Ann Minner ("State Defendants"), by and through their undersigned counsel, hereby file their response to Plaintiff's Motion to Compel [D.I. 56] and Motion to Stay Proceedings [D.I. 57]. In support of their position, State Defendants represent as follows:

1. William Joseph Webb, Jr. ("Plaintiff"), an inmate presently incarcerated at the Delaware Correction Center ("DCC") in Smyrna, Delaware, is a *pro se* litigant in the above-captioned action.
2. On or about January 17, 2007, Plaintiff filed a complaint pursuant to 42 *U.S.C.* §1983, with leave to proceed *in forma pauperis*. [D.I. 1, 2] In his complaint, Plaintiff appears to allege violations of his constitutional rights in connection with his medical treatment at DCC.
3. On October 16, 2007, Plaintiff filed a "Motion to Compel Delaware Dept. of Correction to Release Plaintiff from their Custody." [D.I. 56] In this Motion to Compel, Plaintiff describes an "animosity...which could prove deadly." ¶5. Contrary to Plaintiff's assurances that he poses "no threat to anyone," (¶6), he states that he "will have to protect

Himself by killing all those responsible for [unspecified] actions.” ¶7.

4. Likewise, in Plaintiff’s “Motion for Stay of Proceedings Pending the Disposition of Motions and Stay of Claims and/or Parties” [D.I. 57], Plaintiff writes that he “will kill” if he does not receive a fair trial. ¶5.

5. Notwithstanding that Plaintiff fails to allege circumstances warranting his release from DCC, his multiple references to criminal activity (i.e., death threats) provide adequate justification for his continued incarceration.

6. Plaintiff makes vague references to missing documents in his Motion to Stay. [D.I. 57]. Without commenting on the veracity of such statements, State Defendants take no position on Plaintiff’s request to stay the proceedings pending Plaintiff’s filing of additional documents with the Court.

WHEREFORE, for the reasons stated above, State Defendants respectfully request this Honorable Court to deny Plaintiff’s Motion to Compel his release from the Delaware Department of Correction.

**DEPARTMENT OF JUSTICE  
STATE OF DELAWARE**

/s/ Catherine Damavandi  
Catherine Damavandi (ID # 3823)  
Deputy Attorney General  
Delaware Department of Justice  
Carvel State Office Building  
820 N. French Street, 6<sup>th</sup> Floor  
Wilmington, DE 19801  
Catherine.Damavandi@state.de.us  
(302) 577-8400  
Attorney for State Defendants

Date: October 24, 2007

***CERTIFICATE OF SERVICE***

I hereby certify that on October 24, 2007, I electronically filed *Response to Plaintiff's Motion To Compel And Motion To Stay Proceedings* with the Clerk of Court using CM/ECF. I hereby certify that on October 24, 2007, I have mailed by United States Postal Service, the document to the following non-registered party:

**NAME AND ADDRESS OF RECIPIENT(S):**

William Joseph Webb, Jr.  
SBI #256056  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

/s/ Catherine Damavandi  
Catherine Damavandi (ID # 3823)  
Deputy Attorney General  
Delaware Department of Justice  
Carvel State Office Building  
820 N. French Street, 6<sup>th</sup> Floor  
Wilmington, DE 19801  
Catherine.Damavandi@state.de.us  
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Attorney for State Defendants

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C. A. No. 07-31-GMS

JURY TRIAL REQUESTED

**ORDER**

**IT IS SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007 that  
Plaintiff's Motion to Compel Delaware Department of Corrections to Release Plaintiff  
from their Custody is DENIED.

\_\_\_\_\_  
United States District Judge